

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DAVIDSON HENAO, et al.,

Plaintiffs,

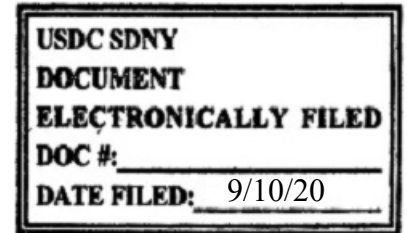
-against-

PARTS AUTHORITY, LLC, et al.,

Defendants.

19-CV-10720 (BCM)

ORDER



BARBARA MOSES, United States Magistrate Judge.

The Court conducted a discovery conference on September 8, 2020. Prior to the conference, the Court received and reviewed (1) plaintiffs' letter-motion dated August 17, 2020 (Dkt. No. 104), seeking the production of additional documents and information in response to their attached requests for production (RFPs) and interrogatories (Dkt. Nos. 104-2, 104-3); and (2) defendants' letter in opposition dated August 26, 2020 (Dkt. No. 109). For the reasons stated on the record during the September 8 conference, plaintiffs' motion is GRANTED IN PART, as follows:

1. Work Rules – RFP No. 2 (Parts Authority). Defendants Parts Authority, Inc. and Parts Authority, LLC (collectively, "Parts Authority") shall promptly produce their "Parts Authority Employee Handbook," "Dispatch Training," and "Driver Reminders," previously produced in other litigation.
2. Expense Reimbursement Policies – RFP No. 3 (Parts Authority). Parts Authority shall promptly produce all documents constituting or describing its expense reimbursement policies and procedures applicable to or used by persons performing driving or delivery services for it or on its behalf in New York, Maryland, and the District of Columbia from 2013 to the present, regardless of whether, in Parts Authority's view, those policies and procedures cover plaintiffs or members of any putative plaintiff class herein.

3. Documents Describing Business Activities & Delivery Drivers' Job Descriptions – RFP Nos. 44, 45 & 51 (Diligent) & Nos. 45, 46 & 52 (Parts Authority). Defendants shall promptly produce all documents constituting or containing job descriptions for any driving positions (regardless of whether the driver is classified as an employee, an independent contractor, or otherwise) that defendants offered or filled in New York, Maryland, and/or the District of Columbia from 2013 through the present.
4. Vehicle-Related Costs and Reimbursements – Interrogatory Nos. 16-18 (Diligent) & 17-19 (Parts Authority); RFP Nos. 47-48 (Diligent) & 48-49 (Parts Authority). Defendants shall promptly produce all documents constituting or containing policies, rules, procedures or forms regarding work schedules, work hours, and/or expense, unit, or mileage reimbursement applicable to persons performing driving or delivery services for or defendants or on defendants' behalf in New York, Maryland, and/or the District of Columbia from 2013 to the present. If a defendant does not possess any such documents, that defendant shall so state in writing.
5. Identification of Officers, Directors, and/or Owners – Interrogatory Nos. 21 (Diligent) & 22 (Parts Authority); RFP Nos. 6, 25-29 (Diligent). Parts Authority shall promptly identify each Parts Authority officer, director, and/or owner who, from 2013 to the present, has also been an officer, director, and/or owner of defendant Northeast Logistics, Inc., d/b/a "Diligent Delivery Systems" (Diligent) or a Diligent affiliate. Diligent shall promptly identify each officer, director, and/or owner of Diligent or a Diligent affiliate who, from 2013 to the present, has also been an officer, director, and/or owner of Parts Authority. The disclosing defendant shall identify each such overlapping officer, director, and owner by name. In the case of officers and directors, the disclosing defendant shall identify what positions the person held, with what entities, over what time periods. In the case of owners, the disclosing defendant shall identify the type and percentage ownership interest held, in what entities, over what time periods.

Additionally, Parts Authority shall identify (by name, position, dates, and location) all persons who worked in management roles from 2013 to the present in the New York, Maryland, and District of Columbia Parts Authority facilities where one or more of the named plaintiffs allegedly worked. Diligent, which represents that it does not maintain physical facilities in New York, Maryland, or the District of Columbia, shall identify (by name, position, dates, and geographical area of responsibility) all persons who worked in management roles from 2013 to the present with responsibility for New York, Maryland, and/or the District of Columbia. To the extent defendants possess organizational charts depicting some or all of the information described above, they shall produce those charts as well.

All relief not expressly granted herein is DENIED, without prejudice to renewal at such time as the pleadings are settled and/or a class or collective certification determination has been made.

Dated: New York, New York
September 10, 2020

SO ORDERED.

A handwritten signature in blue ink, appearing to read "Barbara Moses", is written over a horizontal line.

BARBARA MOSES
United States Magistrate Judge